IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.210 (SS) OF 2005

Jeet Singh Bisht, son of Bishan Singh Bisht,
Resident of Bharatpuri, Ramnagar,
District-Nainital (Uttaranchal) .....Petitioner.

Versus

1. Managing Director,
   Uttaranchal Pay Jal Sansadhan Vikas Evam Nirman Nigam, 11 Mohini Road, Dehradun.
2. Chief Engineer, Kumaon Jal Sansadhan Vikas Evam Nirman Nigam, Nainital.
3. Executive Engineer Kumaon Pay Jal Sansadhan Vikas Evam Nirman Nigam, Ramnagar, District Nainital.

.....Respondents.

Dated: 17.02.2006

Hon'ble Rajesh Tandon, J.

Heard Sri. I.D. Paliwal, learned counsel for the petitioner and Sri Anil Dabral Holding the brief of Sri D.S. Patni, learned counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to correct the seniority of the petitioner in the department and to give him promotion from the date of his initial appointment i.e. 1981 on which date he was entitled.

Brief facts giving rise to the present writ petition are that the petitioner was initially appointed on 20.04.1977 as routine Grade Clerk in construction Division Almora.

The Jal Nigam Headquarters Lucknow issued a office memorandum dated 03.12.1981 by which the aforesaid Nigam promoted some routine Grade Clerk to the post of Noter/Drafter (As senior Clerk) on 02.12.1981 and in the

aforesaid memorandum the name of petitioner did not find any place.

In the aforesaid list, the respondents promoted to those candidates who were junior to the petitioner and the petitioner's candidature was not considered without any reason.

Thereafter, according to the petitioner, several representations were made to the Chief Engineer (Construction) U.P. Lucknow regarding the promotion on the post of Senior Clerk/Noter/Drafter in the department and stated that the juniors to the petitioner have been promoted and the candidature of the petitioners has been left out by the respondents.

Thereafter, the respondents considered the representation of the petitioner for the post of Senior Clerk/Noter/Drafter after a lapse of two years by way of issuing a office memorandum on 03.02.1983.

The Chief Engineer U.P. Jal Nigam respondent no. 1 prepared a seniority list by way of the office memorandum dated 11.02.1987, wherein the name of petitioner has been shown below to the juniors at Serial No. 686, whereas the junior to the petitioner is shown in the seniority list at Serial no. 632, 635 and 637 namely Sri Balam Singh Bisht, Jeewan Singh Bisht and Rameshwar Prasad Yadav.

Immediately, thereafter, the petitioner made a representation to the Superintending Engineer (Praculp) Uttar Pradesh Jal Nigam, 6 Rana Pratap Marg, Lucknow through proper channel regarding his seniority and promotion by which the petitioner will be adversely affected in future.

The petitioner has made several representation but to no effect.

In view of the above, the writ petition is disposed of with a direction to the respondent concerned to consider the

representations filed by the petitioner on different dates (i.e. on 09.06.1992, 18.10.2000, 15.10.2003 and 27.08.2004) within a period of six weeks from the filing of the certified copy of the orders. No order as to costs.

The interim relief Application No. 1299 of 2006 is also disposed of.

(Rajesh Tandon, J.)

17.02.2006
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